

**REMARKS**

Claims 9-44 were presented for examination and claims 9-44 were rejected. In the current amendment, claims 9, 14-19, 23, 27, 32-37 and 41 have been amended. No new matter has been introduced. Upon entry of the current amendment, claims 9-44 will be presented for examination, of which claims 9 and 27 are independent. Applicants submit that claims 9-44 are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants respectfully traverse all rejections and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

**CLAIM REJECTIONS UNDER 35 U.S.C. §112****I. Claims 17 and 35 Stand Rejected Under 35 U.S.C. §112**

Claims 17 and 25 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants traverse this rejection and respectfully disagree with the Examiner. Nevertheless, Applicants hereby amend claims 17 and 25, mooting this rejection with respect to these claims. Applicants submit that amended claims 17 and 25 comply with the written description requirement in accordance with 35 U.S.C. §112, first paragraph. Accordingly, Applicants request the Examiner to withdraw the rejection under 35 U.S.C. §112, first paragraph.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103****II. Claims 9-13, 21, 24-31, 39 and 42-44 Rejected Under 35 U.S.C. §103**

Claims 9-13, 21, 24-31, 39 and 42-44 are rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,105,067 to Batra (“Batra”). Claims 9 and 27 are amended independent

claims. Claims 10-13, 21 and 24-26 depend on and incorporate all the patentable subject matter of independent claim 1, as amended. Claims 30, 31, 39 and 42-44 depend on and incorporate all the patentable subject matter of independent claim 27, as amended. Applicants respectfully traverse this rejection and submit that Batra fails to teach or suggest each and every element recited in claims 9, 10-13, 21, 24-26, 27, 30-31, 39 and 42-44 as amended.

A. Amended Independent Claims 9 and 27 Patentably Distinguished over Batra

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Amended independent claims 9 and 27 are directed towards pooling by an interface unit a transport layer connection on a server. The interface unit determines from monitoring application layer data of network traffic received by the interface unit that a second client and the server are not transferring data for a second request via the second transport layer connection. The interface unit also determines from monitoring application layer data of network traffic received by the interface unit that the second client and the server are transferring data for the second request via the second transport layer connection. In response to the determination, the interface unit establishes a third transport layer connection with the server. Batra fails to disclose, teach or suggest each and every element of independent claims 9 and 27, as amended.

Batra does not disclose, teach or suggest determining that the second client and the server are transferring data or not transferring data via the second transport layer connection from monitoring application layer data of network traffic received by the interface unit. In the Office Action, the Examiner equates the connection manager of Batra to the interface unit of the claimed invention. Instead of monitoring application layer data of network traffic received by

the interface unit, the connection manager of Batra receives requests for connections and returns of connections from a servlet via an application programming interface (API). The connection manager of Batra does not receive network traffic, and furthermore, does not monitor application layer data of network traffic to make a determination of availability of a transport layer connection. Instead, the Batra connection manager determines a connection is in use when upon allocation to a servlet requesting a connection and determines a connection is available upon a servlet returning a connection to the connection pool. Thus, Batra fails to teach or suggest determining that the second client and the server are transferring data or not transferring data for a second request via the second transport layer connection from monitoring application layer data of network traffic received by the interface unit.

Because Batra fails to disclose, teach or suggest each and every feature of the claimed invention, Applicants submit independent claims 9 and 27 are patentable and in condition for allowance. Claims 10-13, 21 and 24-26 depend on and incorporate all the patentable subject matter of independent claim 9, and claims 30, 31, 39 and 42-44 depend on and incorporate all the patentable subject matter of independent claim 27. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 9, 10-13, 21, 24-26, 27, 30-31, 39 and 42-44 under 35 U.S.C. §103.

III. Dependent Claims 14, 15, 16, 17, 18, 19 22, 23, 32, 35, 40 and 41 Rejected Under 35 U.S.C. §103

Claims 14, 22, 23, 32, 40 and 41 are rejected under 35 U.S.C. §103 as unpatentable over Batra in view of U.S. Patent No. 6,163,812 to Gopal et al. (“Gopal”). Claims 15, 16, 18 and 19 are rejected under 35 U.S.C. §103 as unpatentable over Batra in view of RFC 2616, Fielding et al.

(“Fielding”). Claims 17 and 35 are rejected under 35 U.S.C. §103 as unpatentable over Batra in view of an Official Notice. Claim 17 depends on and incorporates all the patentable subject matter of amended independent claim 1, and claim 35 depends on and incorporate all the patentable subject matter of amended independent claim 27. Applicants traverse these rejections and submit that Batra, Gopal, Fielding and the Official Notice, alone or in combination fail to teach or suggest each and every element of the claimed invention.

In the Office Action, the Examiner takes Official Notice, without documentary evidence, that the invention as recited in claims 17 and 35 are directed towards well-known features with respect to TCP. Applicants traverse this Official Notice. Claims 17 and 35 are hereby amended, mooted the Official Notice with respect to these claims. Claims 17 and 35 are directed towards monitoring application layer data to determine that the second client and the server have not transferred a last byte of data. At the time of the claimed invention, the Applicants contend there would not be a teaching, suggestion or motivation in TCP of the Official Notice to perform the feature of the subject matter as recited in claims 17 and 35, as amended. Thus, Applicants request the Examiner to withdraw the Official Notice from the rejection of claims 17 and 35 under 35 U.S.C. §103.

For the reasons discussed above in connection with the rejection of independent claims 9 and 27 under 35 U.S.C. §103, Applicants submit that independent claims 1 and 27 are patentable over Batra. As with Batra, neither Gopal nor Fielding nor the Official Notice teach or suggest establishing by the interface unit a third transport layer connection with the server in response to determining from monitoring application layer data of network traffic received by the interface unit that the second client and the server are transferring data for a second request via the second transport layer connection. Thus, Gopal and Fielding and the Official Notice, alone or in

combination, fail to detract from the patentability of dependent claims 14, 15, 16, 17, 18, 19 22, 23, 32, 35 40 and 41. Accordingly, Applicants request the Examiner to withdraw the rejection of dependent claims 62-111 under 35 U.S.C. §103.

### **CONCLUSION**

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

CHOATE, HALL & STEWART, LLP

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/ChristopherJMcKenna/

Christopher J. McKenna  
Registration No. 53,302  
Attorney for Applicants

Choate, Hall & Stewart, LLP  
Two International Place  
Boston, MA 02110  
(617) 248-5000